

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
3 YORK ROAD OPPOSITE • ZONING COMMISSIONER
Huntington Road •
16928 York Rd. (Bull property) • OF BALTIMORE COUNTY
7th Election District •
3rd Councilmanic District • CASE No. 44-84-A
Maryland Line Property, Inc. •
Petitioner •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 16928 York Road in Hereford. The Petition is filed by the property owner, Maryland Line Property, Inc., by its President, Randolph H. Shelley. Variance relief is requested from numerous sections of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the variances sought are:

1. A variance from Sections 259.3.C.2.a and 301.1 to permit an existing open projection setback of 9.2 ft. (front yard) and 5.9 ft. (side yard), in lieu of the required 15 ft.;
2. A variance from Sections 259.3.C.2.b, and 259.3.C.3.a to permit an existing 6 ft. side yard setback, in lieu of the required 15 ft., and to permit a buffer as narrow as 1 ft., in lieu of the required 15 ft. side, front and rear landscaping buffer;
3. A variance from Sections 259.3.C.2.a, 235.1 and 303.2 to permit a proposed shed to have a front setback of 311.5 ft., in lieu of the maximum of the average of the setbacks of adjacent buildings (31 ft. +/-);
4. A variance from Section 235.2 to permit a proposed accessory shed to have a side setback from an R.C.5 zone of 15 ft., instead of the required 50 ft.;

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Date 10/22/93
By [Signature]

5. A variance from Section 259.3.C.2.b. to permit a proposed parking lot with 0% pervious surface and no interior landscaping, in lieu of the required 7% pervious surface with one tree per eight parking spaces;

6. A variance from Section 259.3.C.4 to permit parking which is not accessible to the parking lots of adjacent nonresidential uses, in lieu of the requirement that the parking lot be accessible to adjacent nonresidential parking lots.

Appearing at the requisite public hearing held for this case was the aforementioned Randolph H. Shelley. Also appearing was Ernest L. Peek, the Professional Landscape Architect who prepared Petitioner's Exhibit No. 1, the plan to accompany the Petition for Zoning Variance. The variances requested are more specifically depicted on said plan. The Petitioner was represented by Newton A. Williams, Esquire. Gary C. Duvall, a resident of the subject locale, also participated at the hearing.

Mr. Shelley testified that the subject site was formerly known as the George Bull property and is located at 16928 York Road. The property is located in the Hereford Town Center. The site is zoned B.M.-C.R. and is approximately .488 net acres in area.

Mr. Shelley indicated that he acquired the property approximately one month prior to the hearing. Presently, the site is improved with an old dwelling which is in a state of disrepair. The photographs submitted at the hearing show that the existing dwelling is very old and dilapidated, yet may have some historic value. Further, it is in need of paint, roofing and other renovation.

Mr. Shelley operates a construction/remodeling business and has an office not far from the subject site. It is his intent to renovate and restore the existing dwelling and convert same to office/retail space. He noted that the property has been vacant for nearly two years and restora-

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tion and conversion of the structure to office use would be consistent with nearby uses. Specifically, the property is surrounded by other commercial/office uses. These include the Farm Credit Building immediately to the north of the site, general offices to the south, and small retail shops in the immediate vicinity. The existing structure is approximately 1650 sq. ft. in area and has three rooms on each of the two floors. Although no specific tenants have been lined up, Mr. Shelley anticipates leasing the renovated building to attorneys, insurance agencies, real estate companies and similar type businesses. Mr. Shelley also noted that improvements to the property would include installation of a sidewalk in the front and a parking lot to the rear. Also proposed is a pole barn on the rear of the site. Mr. Shelley's plans for this barn were less than specific. The facility is proposed to be 24 x 30 ft. in dimension. Also, it would be one story high with a height limitation of no more than 15 ft. Mr. Shelley noted the scarcity of storage space within the existing dwelling. The basement is very small, approximately 10 x 12 ft. and only 5 ft. high. Mr. Shelley believes that construction of the pole barn is warranted to provide a storage area for his tenants. The proposed barn structure will be consistent with other pole barns in the area in terms of architectural style and appearance.

Mr. Peek also testified and discussed each of the variances in detail. The first variance requested relates to the existing porch on the front of the building which maintains a 9.2 ft. front yard setback and 5.9 ft. side yard setback from the front and side property lines. Mr. Peek avers that this variance is necessary in order to legitimize the existing building and preserve its character. I agree that an approval of this variance is appropriate. I applaud Mr. Shelley's efforts to renovate and restore this old structure. Obviously, the dwelling is situated at a

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location where strict adherence to the front and side yard setbacks cannot be maintained. To ensure strict compliance with these requirements would destroy the character of the dwelling. Thus, this variance should be granted.

The second variance related to the required setback for the landscaping buffer. This variance is, likewise, justified based on the site's very narrow setbacks to the lot. As the site plan shows, the setbacks are very narrow. In order to provide the required driveway and parking area, strict adherence to the landscaping buffer requirement cannot be met. Moreover, the site plan does show certain proposed landscaping. I will grant this variance so long as the petitioner agrees to landscape the property to the best extent possible, consistent with the direction of the County's Landscape Architect and Landscape Manual.

The third variance related to the proposed pole barn. As noted above, this lot is very deep and the pole barn will be approximately 311.5 ft. from the front property line. Under Sections 235.2(a) and 235.2(b) and 303.2, this structure must maintain a front yard setback distance consistent with the average setbacks of adjacent buildings. This is surely what of an unusual variance request, in that the Petitioner is seeking approval to place the structure even farther from the front property line than the adjacent buildings. Most often, variances of this nature seek to place a building closer to the street. Clearly, there will be no detriment to the surrounding properties if this variance is granted. Moreover, the placing of the pole barn in the rear of the property is recommended. For these reasons, this variance shall be granted.

The fourth variance requested related to the size of the proposed pole barn. Specifically, relief is sought from Section 235.2 of the B.C.Z.R. to allow side yard setbacks of 15 ft. on each side, in lieu of

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the required 50 ft. Clearly, the lot is of such narrow dimension that a variance for the side yard setbacks for the pole barn must be acquired. However, I am concerned about the use of this structure. The proposed size (24 x 30 ft.) appears excessive and, in fact, the barn may dwarf the existing dwelling. Moreover, although I am appreciative of potential storage needs, a building of the size proposed does not seem appropriate. For these reasons, I shall modify the variance request to require a 20 ft. setback on each side. This will enable the Petitioner to construct a building 24 ft. x 20 ft. in dimension. Additionally, I shall limit storage available within said barn to only materials owned by the tenants of this property and items necessary for maintenance of this property. That is, lawn mowers, file storage, etc., will be permitted. However, there can be no vehicles, contractor's equipment or construction materials stored on this site. In my view, a structure 24 x 20 ft. will be sufficiently sized to meet the storage needs for this site and its tenants.

The fifth variance requested relates to the proposed parking lot area and requests that same have 0% pervious surface and no interior landscaping, in lieu of the required 7% pervious surface with one tree per 8 parking spaces. I am, likewise, persuaded that this variance should be granted to enable the Petitioner to redevelop this property in the manner proposed. Again, the narrowness of the lot and site constraints imposed thereby are significant. Moreover, the proposed stone driveway is more environmentally sensitive. Landscaping of the property by plantings along the side yard property lines would be more appropriate than internal landscaping within the lot. For all of these reasons, this variance shall be granted.

The last variance requested is from Section 259.3.C.4 to permit a parking lot which is not accessible from parking areas of adjacent nonresi-

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dential uses. In this respect, Mr. Shelley advised that he investigated the possibility of an accessible parking lot from adjacent properties with the owners of those adjoining properties. For various reasons, those owners would not participate in such a parking arrangement. Moreover, in order to increase the landscaping along the side property lines, this joint parking arrangement is not feasible. For these reasons, this variance shall, likewise, be granted.

Notwithstanding my approval of the variances, several other comments about restrictions to be imposed are in order. I will require the Petitioner to work with the County Landscape Architect in order to develop a landscaping plan appropriate to the site. Moreover, the size and use of the storage shed shall be as set forth above. However, I will not adopt Mr. Duvall's suggestion to allow only a southbound vehicular exit from this property onto York Road. Although I am cognizant of the traffic congestion in this area, such a restriction would not be feasible. It does not appear that a large volume of traffic will be generated from this site. Lastly, this site shall be developed as shown on the plan, with the installation of sidewalks in the front, a saving of the existing foliage to the best extent possible and a restoration of the building consistent with its present character.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October, 1993 that a variance from Sections 259.3.C.2.a and 301.1 to permit an existing open projection setback of 9.2 ft. front yard) and 5.9 ft. (side yard) in lieu of the required 15 ft., be and is hereby GRANTED; and,

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By [Signature]

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IT IS FURTHER ORDERED that a variance from Sections 259.3.C.2.b. and 259.3.C.3.a to permit an existing 6 ft. side yard setback in lieu of the required 15 ft., and to permit a buffer as narrow as 1 ft. in lieu of the required 15 ft. side, front and rear landscaping buffer, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 259.3.C.2.a, 235.1 and 303.2 to permit a proposed shed to have a front setback of 311.5 ft. in lieu of the maximum of the average of the setbacks of adjacent buildings (31 ft. +/-), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 235.2 to permit a proposed accessory shed to have a side setback from an R.C.5 zone of 15 ft. instead of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 259.3.C.3.b. to permit a proposed parking lot with 0% pervious surface and no interior landscaping in lieu of the required 7% pervious surface with one tree per eight parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 259.3.C.4 to permit parking which is not accessible to the parking lots of adjacent nonresidential uses in lieu of the required parking lot which is accessible to adjacent nonresidential parking lots, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for restoring, said property to its original condition.

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2. The accessory structure (pole barn) shall be no longer than 24 x 20 ft. and shall maintain a 20 ft. side yard setback on each side.
3. Materials stored in the said pole barn shall consist only of items owned by the tenants of this property and equipment necessary for the maintenance of said property. There shall be no vehicles, contractor's equipment or construction materials stored in the pole barn and/or on this property.
4. The petitioner shall submit a landscape plan to the Baltimore County Landscape Architect for approval. The landscape plan shall be consistent with the terms and conditions of this opinion and Order and comply, to the best extent possible, with the Landscape Manual. Additionally, said plan shall become a permanent part of the record and file in this matter.
5. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
6. The property shall be redeveloped in a manner consistent with the site plan (Petitioner's Exhibit No. 1) so as to preserve the character of the existing dwelling and be compatible with the surrounding locale.

LARRY W. F. SCHULTZ
Zoning Commissioner
for Baltimore County

LRS/mm

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Date 10/22/93
By [Signature]

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Suite 111, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 22, 1993

Newton A. Williams, Esquire
210 Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-84-A
Petition for Variance
Property: 16928 York Road

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Mr. Randolph Shelley
cc: Gary C. Duvall, Esquire



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16928 York Road
which is presently zoned RM-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and a part hereof, hereby petition for a Variance from Section(s)

See Attached Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Practical Difficulty - See Attached Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Contract Purchase Lease
Type of Petition Name
Signature
Address
City State Zipcode
Attorney for Petitioner
Type of Petition Name
Signature
Address
City State Zipcode

Newton A. Williams
210 West Pennsylvania Ave., 825-7800
Towson, MD 21204

Maryland Line Property, Inc.
16917 York Road 410-521-8040
Monkton, MD 21111

Peck/Smith, Inc.
303 N. Pennsylvania Ave., 410-290-0501
Towson, MD 21204

ESTIMATED LENGTH OF HEARING
Useful for Hearing
The following date: AFTER SEPT 20
All OTHER DATE 8/19/93
REVIEWED BY

VARIANCE PETITION - BULL PROPERTY
16928 YORK ROAD

REQUESTED VARIANCES:

- A variance from Section 259.2C(2a) and 261.1 to permit an existing open projection setback of 9.2 feet in lieu of the required 15 feet.
- A variance from Section 259.2C(2b) and 261.1 to permit an existing 6' side setback in lieu of the required 15 feet and to permit a little as 11 feet in the required 15' side, front and rear landscaping buffer.
- A variance from Section 259.2C(2a), 259.2C(2b) and 261.1 to permit the proposed shed to have a front setback of 311.5 feet in lieu of the maximum of the average of the setbacks of adjacent buildings (21').
- A variance from Section 259.2C(2b) to permit a proposed accessory shed to have a side setback from an RC to zone of 42' instead of the required 15'.
- A variance from Section 259.2C(2b) to permit a proposed parking lot with 0% previous surface and no interior landscaping in lieu of the required 7% previous surface with one tree per eight parking spaces.
- A variance from Section 259.2C(4) to permit parking which is not accessible to the parking lots of adjacent nonresidential uses in lieu of the required parking lot which is accessible to adjacent nonresidential parking lots.

VARIANCE JUSTIFICATIONS:

- That the existing building does not meet current setback standards and the configuration of the lot combined with the required buffers, does not provide adequate room for parking and storage.
- That this narrow lot is no longer suitable for residential use, is surrounded by commercial uses, and the existing buildings are where they are shown.
- That office use of the site will be less of a burden on the well and septic systems than residential use.
- That the appearance of Herford will be upgraded.
- That the Herford Community Association is aware of the proposed reuse and site upgrades.
- That without the requested variances, the Petitioner will sustain practical difficulty and unreasonable hardship.
- That the requested variances will foster the health, safety and welfare of the area, and are in harmony with the Regulations.

Miller-Bowden Associates, Inc.

G. Brooke Miller, R.P.L.S.

Registered Land Surveyors
1804 Eager Street
Baltimore, Maryland 21204
(410) 833-5500 / (410) 833-5501

Incorporated in MD

GEORGE ALEX BULL PROPERTY

16928 York Road

REQUEST FOR ZONING VARIANCES

16928 York Road - Monkton

8th Election District

Baltimore County, Maryland

July 11, 1993

beginning for the same on the west side of York Road (Maryland Route 43), nearly opposite the centerline intersection of Maryland Road with York Road, at coordinate North 104256.85 West 13401.10 (Baltimore County Metropolitan Districts), thence running with and binding on the west side of York Road, following all bearings of this description to BOMP,

- North 03 degrees 10 minutes 07 seconds West 55.28 feet, thence leaving the road and running the three following courses, viz:
- South 87 degrees 15 minutes 22 seconds West 355.28 feet, thence
- South 03 degrees 10 minutes 07 seconds East 55.28 feet, and thence
- North 87 degrees 15 minutes 22 seconds East 355.28 feet to the beginning.

Containing 21275.4 square feet, or 0.488 acres, of land, more or less.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 8th Date of Posting: 9/14/93
Posted for: Variance
Petitioner: Maryland Line Property, Inc.
Location of property: 16928 York Rd, W/3, opposite Monkton Rd.
Location of signs: Along side of way for property of Petitioner
Remarks: M. Williams
Posted by: M. Williams
Number of Signs: 1
Date of return: 9/14/93

CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept 2, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 2, 1993.

THE JEFFERSONIAN,

G. Harrison
G. Harrison
TOWSON, MD. 21204

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the County Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case 94-84-A (Item 80)
16928 York Road - George Bull Property
W/3 York Road opposite Monkton Road
8th Election District - 1st Councilmanic
Petitioner(s): Maryland Line Property, Inc.
Hearing Tuesday, October 12, 1993 at 9:00 a.m. in the 106 County Office Building.

Variance to permit an existing open projection setback of 9.2 feet front and 6 feet side in lieu of the required 15 feet and to permit a little as 11 feet in the required 15' side, front and rear landscaping buffer; to permit the proposed shed to have a front setback of 311.5 feet in lieu of the maximum of the average of the setbacks of adjacent buildings (21' feet +/-); to permit a proposed accessory shed to have a side setback from a R.C.S. zone of 42 feet instead of the required 15 feet; to permit a proposed parking lot with 0% previous surface and no interior landscaping in lieu of the required 7% previous surface with one tree per eight parking spaces; and to permit parking which is not accessible to the parking lots of adjacent non-residential uses in lieu of the required parking lot which is accessible to adjacent non-residential parking lots.

LAWRENCE E. SCHMIDT
Zoning Commissioner
Baltimore County

NOTES: (1) Hearings are held open to the public. For special accommodations, please call 887-3391.
(2) For information concerning the filing and/or hearing, please call 887-3391.
(3) For information concerning the filing and/or hearing, please call 887-3391.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 8/19/93 94-84-A
CODE 020 (1) VAR. FILING \$ 250.00
" " OBO (1) SIGN POSTING 35.00
\$ 285.00
OWNER MD. LINE PROP. INC.
Loc: 16928 YORK RD.
Cashier Validation
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 80

Petitioner: Maryland Line Property, Inc.

Location: 16928 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Maryland Line Property, Inc.

ADDRESS: 16917 York Road

Monkton, MD 21111

PHONE NUMBER: 410-321-8040

AJ:ggs

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
September 2, 1993 Issue - Jeffersonian

Please forward billing to:

Maryland Line Property, Inc.
16917 York Road
Monkton, Maryland 21111
410-321-8040

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case 94-84-A (Item 80)
16928 York Road - George Bull Property
W/3 York Road opposite Monkton Road
8th Election District - 1st Councilmanic
Petitioner(s): Maryland Line Property, Inc.
Hearing: TUESDAY, OCTOBER 12, 1993 at 9:00 a.m. in the 106 County Office Building.

Variance to permit an existing open projection setback of 9.2 feet front and 5.9 feet side in lieu of the required 15 feet and to permit an existing 6 feet side setback in lieu of the required 15 feet and to permit a little as 11 feet in the required 15' side, front and rear landscaping buffer; to permit the proposed shed to have a front setback of 311.5 feet in lieu of the maximum of the average of the setbacks of adjacent buildings (21' feet +/-); to permit a proposed accessory shed to have a side setback from a R.C.S. zone of 42 feet instead of the required 15 feet; to permit a proposed parking lot with 0% previous surface and no interior landscaping in lieu of the required 7% previous surface with one tree per eight parking spaces; and to permit parking which is not accessible to the parking lots of adjacent non-residential uses in lieu of the required parking lot which is accessible to adjacent non-residential parking lots.

LAWRENCE E. SCHMIDT
Zoning Commissioner
BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 17, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204.

or
Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-84-A (Item 80)
16928 York Road - George Bull Property
W/S York Road opposite Winston Road
7th Election District - 2nd Councilmanic
Jurisdictional: Maryland Line Property, Inc.
HEARING: TUESDAY, OCTOBER 12, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit an existing open protection setback of 9.2 feet front and 5.9 feet side in lieu of the required 15 feet to permit an existing 8 foot side setback in lieu of the required 15 feet and to permit an existing 1 foot in lieu of the required 15 feet side, front and rear landscaping buffer; to permit an existing 1 foot in lieu of the required 15 feet side, front and rear landscaping buffer; to permit the proposed shed to have a front setback of 31.5 feet in lieu of the maximum of the average of the setbacks of adjacent buildings (31 feet +/-) to permit a proposed accessory shed to have a side setback from a R.C. 5 zone of 15 feet instead of the required 50 feet; to permit a proposed parking lot with zero percent pervious surface and an interior landscaping in lieu of the required 75 percent pervious surface with one tree per eight parking spaces; and to permit parking which is not accessible to the parking lots of adjacent non-residential uses in lieu of the required parking lot which is accessible to adjacent non-residential parking lots.

Arnold Jablon
Director

Arnold Jablon
Director

cc: Maryland Line Property, Inc.
Fink/Smith, Inc.
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 4, 1993

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-84-A, Item No. 80
Petitioner: Maryland Line Property, Incorporated
Petition for Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 7, 1993
Zoning Administration and Development Management

FROM: Robert M. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for September 7, 1993
Item No. 80

The Development Plan Review Section has reviewed the subject zoning item, York Road is a State Road. All improvements, interchanges, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

We recommend granting relief as requested, from the required buffer plantings of Section 230.3 where hardship is demonstrated. Where hardship does not exist, the buffer plantings should be required. See the enclosed red line plan for the required planting area. A relatively dense, mixed layered, indigenous planting is required. Only small ornamental trees and shrubs will be allowed over the septic field.

RWB:sp

Rm. 1



Maryland Department of Transportation
State Highway Administration

Division of
Planning
and
Design

August 19, 1993

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 104
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 40 - York Road
Bull Property
Variance Request
Item No. 80 (111)

Dear Ms. Kehring:

This office has reviewed the plan for the referenced item and offer the following:

We have no objections to approval of the variance requests as indicated on the plan.

However, though the majority of the proposed improvements to the property frontage indicated on the plan are consistent with our requirements indicated in our previous review of a preliminary plan submitted by the developer's engineer, the proposed concrete entrance shown on the referenced plan is not acceptable to the State Highway Administration. This entrance should be changed to a 9" full depth paving bituminous concrete type entrance.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection.)

My telephone number is 410-333-1350. (Fax # 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 31, 1993

SUBJECT: 16928 York Road

INFORMATION:

Item Number: 80

Petitioner: Maryland Line Property, Inc.

Property Size: _____

Zoning: B.M.-C.R.

Requested Action: _____

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The applicant's site is located in the old core of Hereford. Over the last decade new commercial buildings have been converted and several older buildings have been demolished. The subject site is listed on the Maryland Historic Trust Inventory (BA 2031) and is known as Dr. Price's House. Unfortunately, the property suffers to a degree from deferred maintenance; however, the petitioner's plan to use the existing structure as an office may provide a unique opportunity to restore this important building.

With the exception of the variance from Section 235.2 to permit a proposed accessory shed to have a side setback from an R.C. 5 zone of 15 ft. in lieu of the required 50 ft., all other requested variances appear to be appropriate. The use of the accessory building for maintenance and vehicle parking, as stated on the plan, would appear to be reasonable, however, the size of the proposed structure is excessive, and staff can find no justification for a building of this scale. Therefore, staff recommends the building be scaled down to mitigate the impact of the variance.

If the applicant's request is granted, any improvement to the property should be consistent with the Hereford Plan which was adopted by the County Council on May 6, 1991.

Prepared by: *Jeffrey M. Long*

Division Chief: *Gary L. Kins*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

September 3, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #80 - Maryland Line Property, Inc.
16928 York Road
Zoning Advisory Committee Meeting of August 30, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The owner has been notified that the results of water quality tests, which indicate that the supply is potable, must be submitted to the Division of Ground Water Management. Also, a revised site plan is needed verifying the location of the septic system components.

JLP:sp

MARYLAND/DEPRM/TXTSBP

Ms. Helene Kehring
Page two
August 30, 1993

- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

Upon receipt of the above items, this office will process the permit. Please note that an incomplete application package will significantly delay both building permit and access permit issuance. Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS/maw

cc: Ms. Deanna Bailey



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 587-3180

August 11, 1994

NOTICE OF DELIBERATION

Having concluded this case on August 10, 1994, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

SALVATORE A. FRASCKETTI, JR., ET UX
CASE NO. 94-85-A

DATE AND TIME : Thursday, September 1, 1994 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Mr. and Mrs. Salvatore A. Frascetti Petitioners

Mr. & Mrs. Jeffrey A. Waggoner Appellants /Protestants
Gordon D. Fronk, Esquire

Ms. Linda D. Miller
Ms. Donna L. Disney Vaura

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Timothy H. Kotroco

W. Carl Richards, Jr. /ZADM

Docket Clerk /ZADM

Arnold Jablon, Director /ZADM

James H. Thompson /Zoning Enforcement

Craig McGraw /Zoning Enforcement

RECEIVED
AUG 12 1994

ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME
GARY C. DUVAL

ADDRESS
600 WASHINGTON AVE
21204

PLEASE PRINT CLEARLY

Petitioner
CITIZEN SIGN-IN SHEET

NAME
Norton A. Williams
Randy Muller, P.O. Box 336,
Crisis Pub, Pub Smith

ADDRESS
823 7800
700 Crest Tower, 21204
1695 York Rd., Monticello, MD 21111
303 Mt. Penn. Dr., 21204

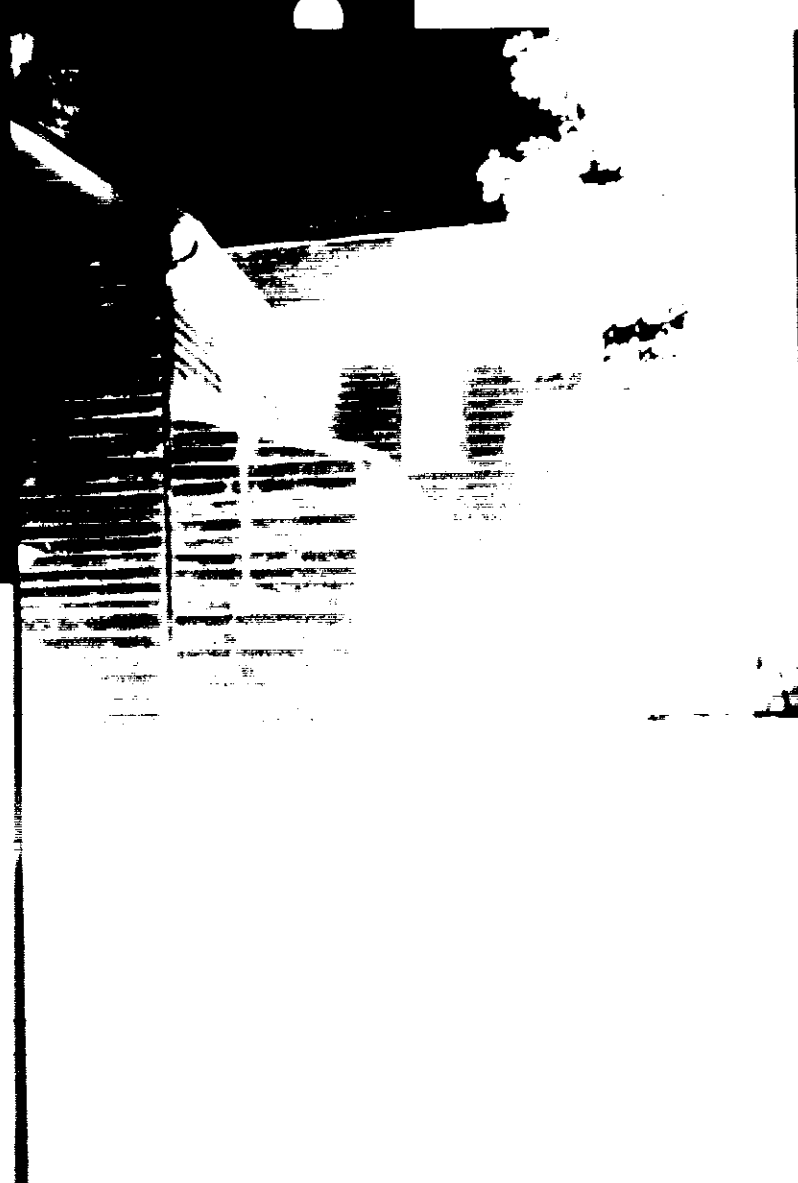


C. Commercial property on SE/C of York Rd. and Monticello Rd.

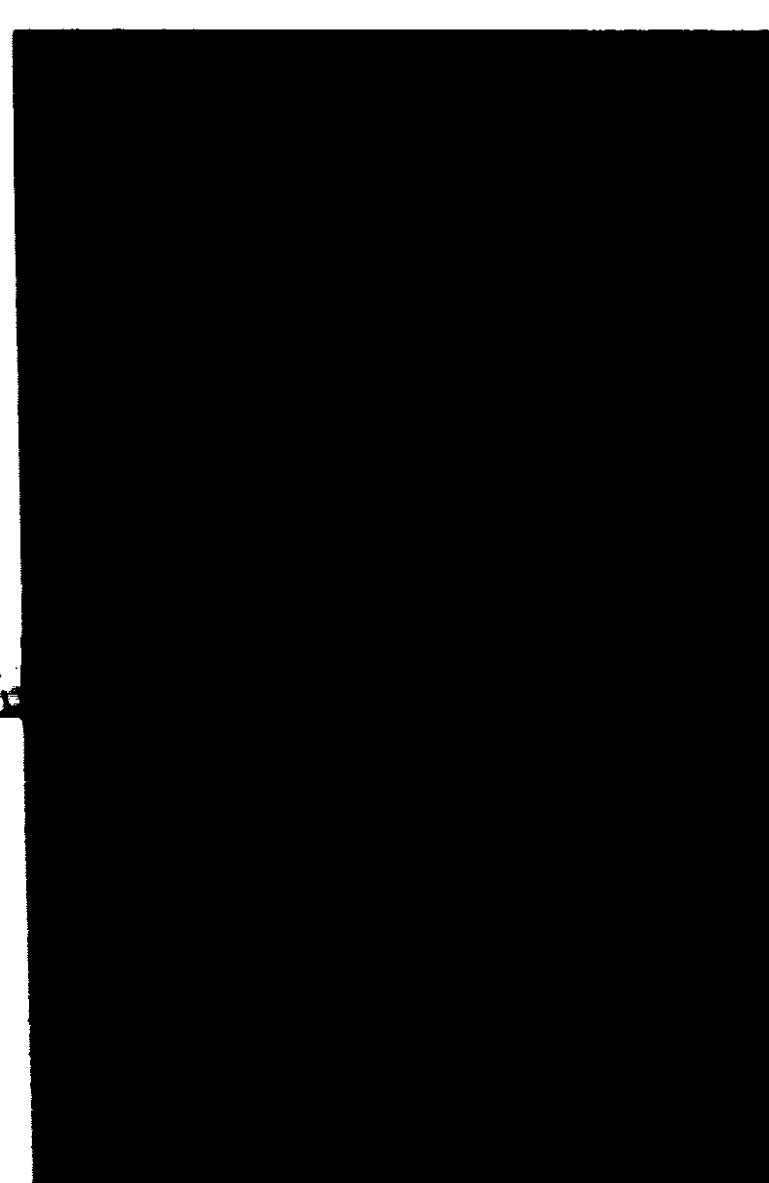


D. Existing shed to be removed.

PETITIONER'S
EXHIBIT NO. 2



E. SE corner existing building to be restored



F. Rear of office to the south.

PETITIONER'S
EXHIBIT NO. 2

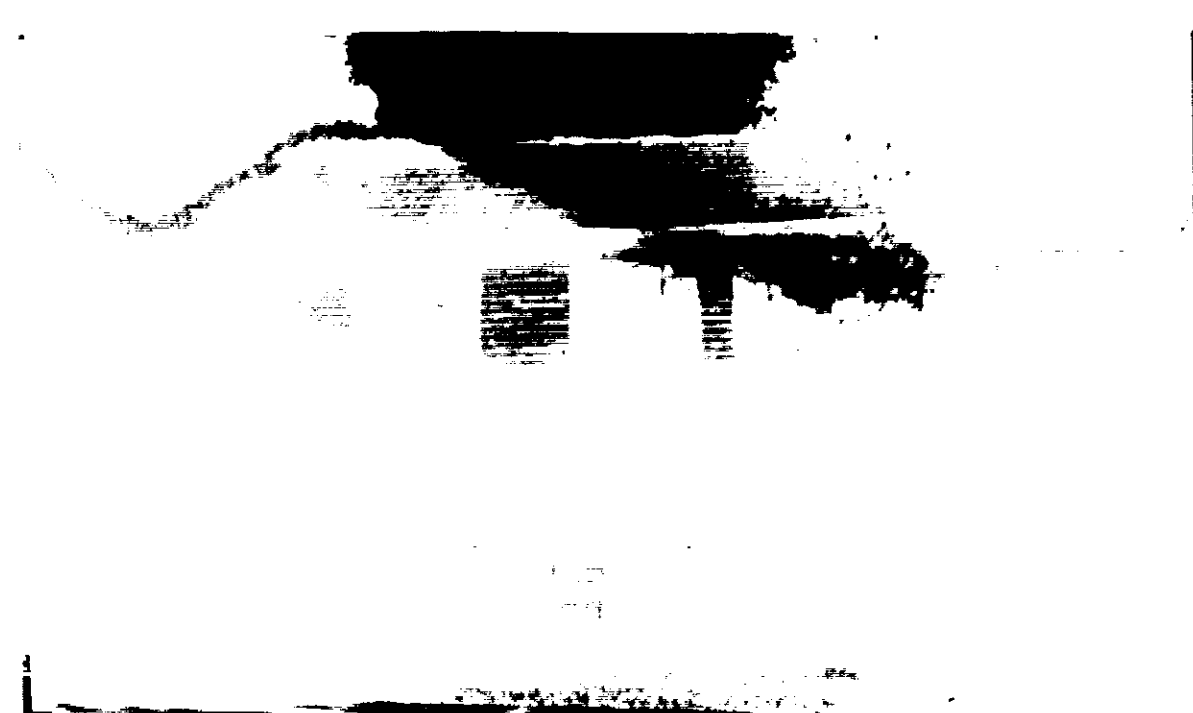


G. Farm Credit Office to the north of subject property



H. Rear view of existing property

PETITIONER'S
EXHIBIT NO. 2



A. Subject Property on W/S of York Rd. Opposite Monticello Rd.



B. Adjoining office to the south.

Maryland Time Property, Inc.
16928 York Road

PETITIONER'S
EXHIBIT NO. 2



I. Shelley Construction office on E/S of York Rd. in Newford - N.Y. site at 1651 York Rd.



J. Existing Professional Building and Offices - two doors north of property

PETITIONER'S
EXHIBIT NO. 2



K. Looking N on York Rd. from site



L. Looking S on York Rd. from N.Y. site, Monks Rd. on left

PETITIONER'S
EXHIBIT NO. 2



M. Looking E on Monks Rd. from the site across York Rd.

PETITIONER'S
EXHIBIT NO. 2

GENERAL NOTES

1. Election District 7; Councilmanic District 3

2. Owner:
Maryland Line Property, Inc.
16947 York Road
Monkton, MD 21111
410-321-6040
Property Address: 16928 York Road
Deed Ref: 9839/328

3. Site Data

Site Acreage and Zoning
Net Area = 0.488 Ac. (21,275) BM-CR
Gross Area = 0.53 Ac. (23,075 SF) BM-CR

Density FAR 0.20 (CR District)
(Maximum GFA 5800 SF; 6600 SF first floor)
Permitted: 0.53 Ac. BM-CR x 0.2 = 4617 SF
Proposed: 2370 SF (0.10 FAR)
(Existing 2 Story Dwelling to be renovated as Offices,
with accessory shed)

Parking

Required: 1650 SF @ 3.3/1000 SF = 5 Spaces

Proposed: 10 Spaces

All parking spaces will be constructed of bituminous concrete
paving, striped, and wheel stops provided

Landscape Planting

Required: 35' Adjacent Road @ 1 FU/40' = 1 FU
70' LF Interior Road @ 1 FU/20' = 3.5 FU
TOTAL = 4.5 FU

Landscape the front, side and rear setbacks per CR Regul.

Proposed: Proposed landscaping will comply with Balto. Co. Regmts.

The majority of the site is overgrown lawn. There is an existing hedgerow along the
north, south and west property lines. This hedgerow will be maintained wherever
practical.

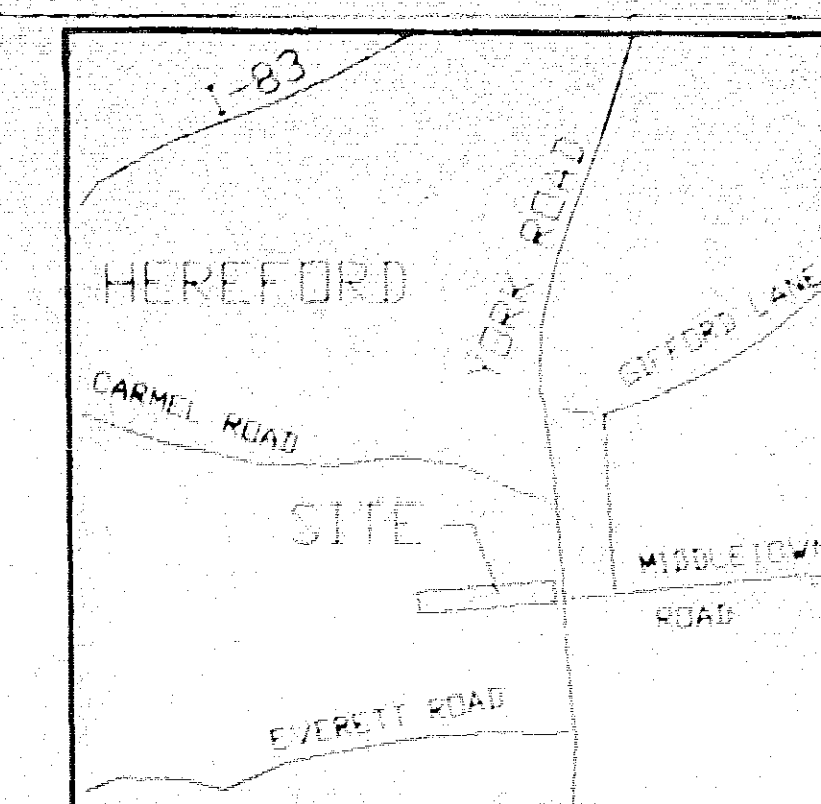
- This project was granted a Limited Exemption from Division 2 of the Baltimore
County Development Regulations on April 1, 1993.
- This project will be served by an existing well and septic system.
- There are no known streams, springs, bodies of water, or floodplains on the site.
- Signs will comply with Sections 413.1 and 259.3C.7, of the BCZR.
- Stormwater management will be provided by an infiltration trench, if possible, per Balto.
Co. standards.

REQUESTED VARIANCES:

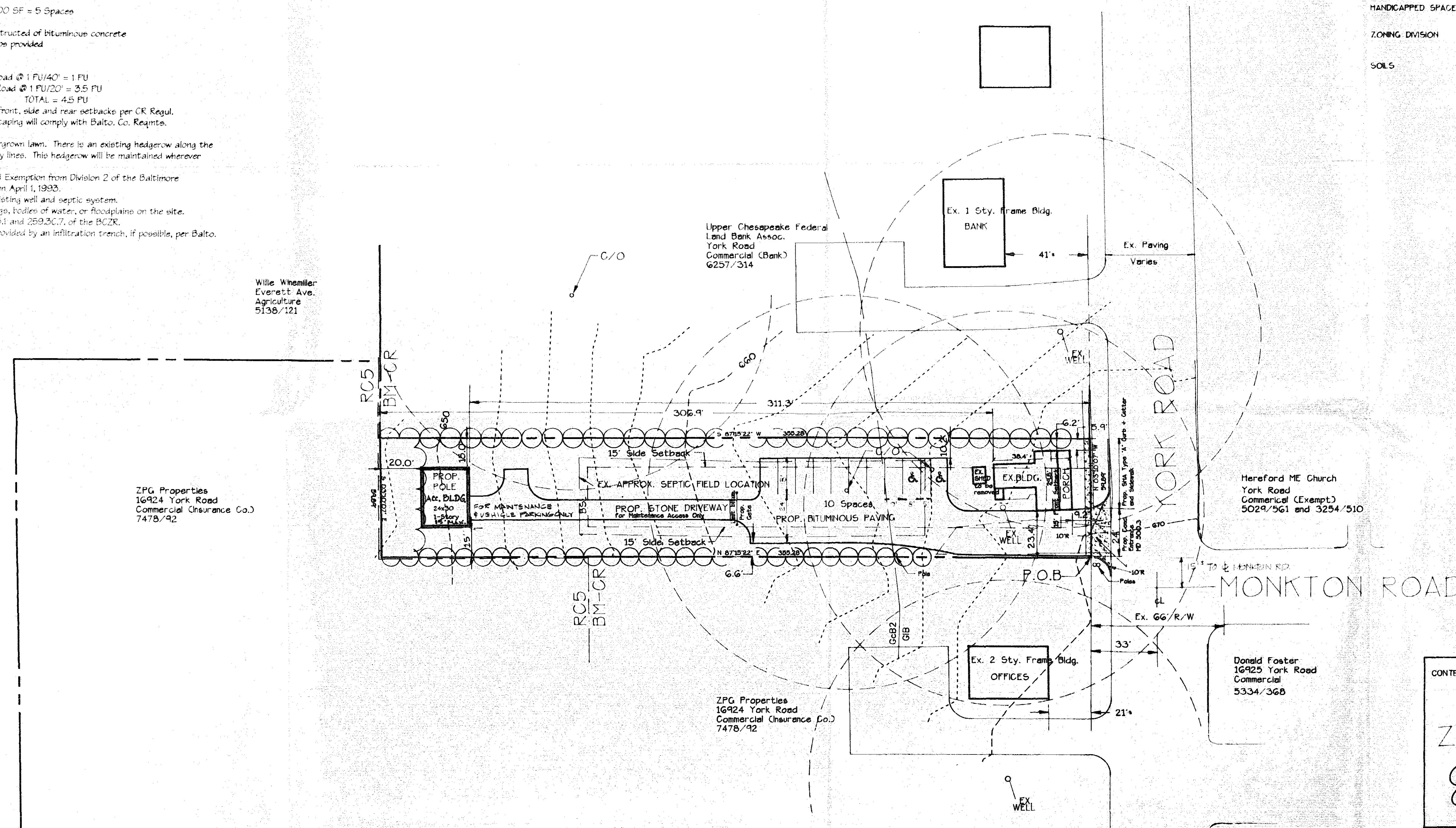
- A variance from Section 259.3C.2a and 301.1 to permit an existing open projection
setback of 9.2' front and 5.9' side in lieu of the required 15'
- A variance from Section 259.3C.2b and 259.3C.3a to permit an existing 6' side
setback in lieu of the required 15' and to permit as little as 1' in lieu of the required 15' side,
front and rear landscaping buffer.
- A variance from Sections 259.3C.2a, 235.1 and 303.2 to permit the proposed
shed to have a front setback of 311.5' in lieu of the maximum of the average of the setbacks
of adjacent buildings (311').
- A variance from Section 235.2 to permit a proposed accessory shed to have a
side setback from an RC-B zone of 15' instead of the required 50'.
- A variance from Section 259.3C.3.b to permit a proposed parking lot with 0%
permeable surface and no interior landscaping in lieu of the required 7% pervious surface with
one tree per eight parking spaces.
- A variance from Section 259.3C.4 to permit parking which is not accessible to the
parking lots of adjacent nonresidential uses in lieu of the required parking lot which is
accessible to adjacent nonresidential parking lots.

LEGEND

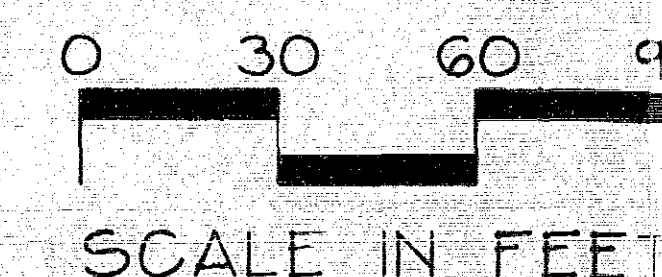
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED CURB & GUTTER
- PROPERTY LINE
- PERC TEST
- EXISTING TREE
- POWER POLE
- PROPOSED TREES/SHRUBS
- HANDICAPPED SPACE
- ZONING DIVISION
- SOILS



VICINITY MAP
SCALE: 1"=1,000'
ZONING MAP: NW, ZIC

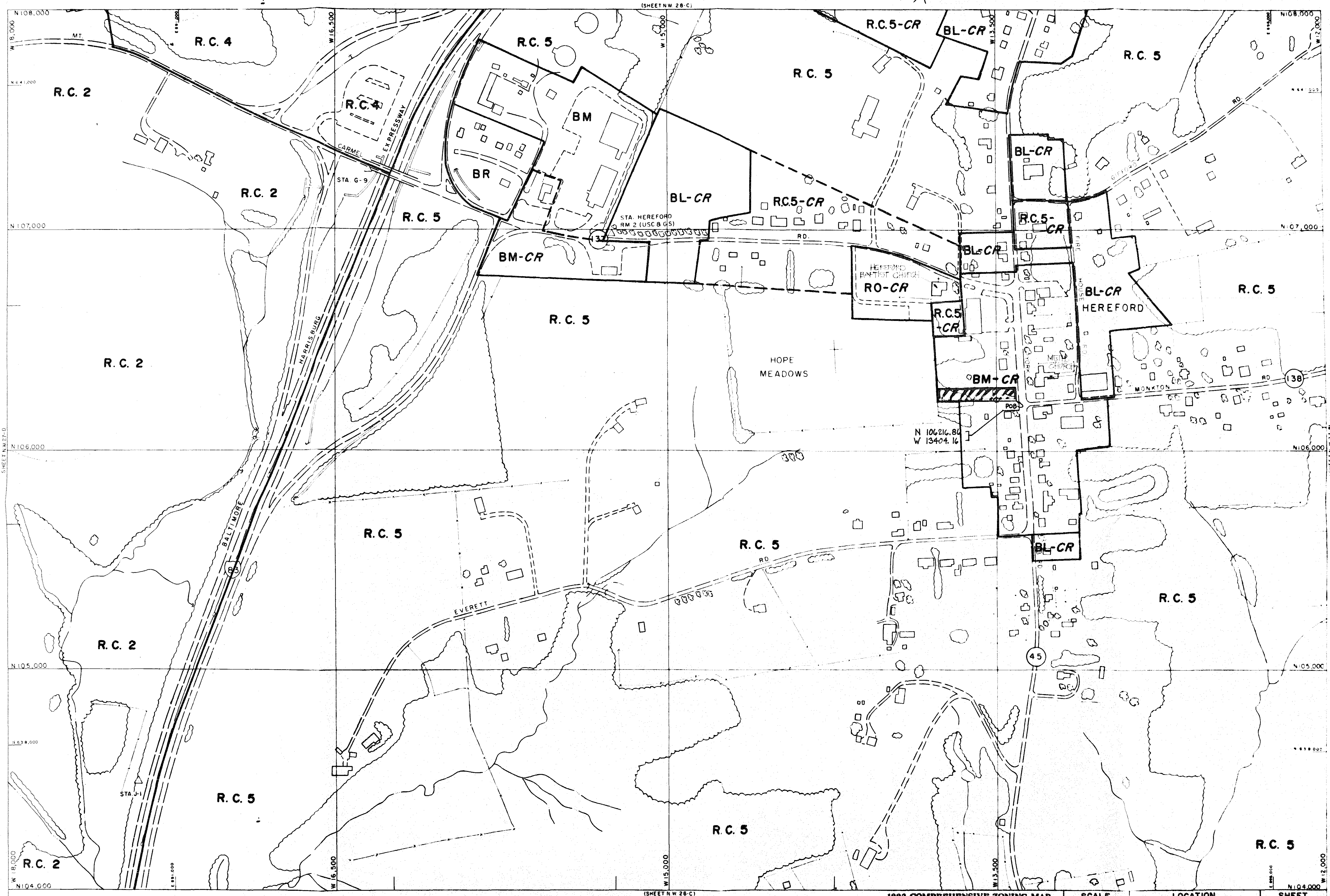


PETITIONER'S
EXHIBIT NO. 1



94-84-A

CONTENTS			
PLAN TO ACCOMPANY ZONING VARIANCE HEARING			
80 GEORGE BULL PROPERTY 16928 YORK ROAD HEREFORD, MARYLAND			
SCALE: 1" = 30'	DATE: 4/23/98	DRWN: DCP	PRJT. NO: 9300
SEAL	PROJECT TITLE		
	Peek/Smith, Inc. Landscape Architecture/Land Planning 303 West Pennsylvania Avenue, Towson, MD 301/298-0001		
DATE - ISSUED FOR:		DISTRICT 7	
		ZADM File No.	
		Devel. Plan Rev. No.	
		SHEET NO.	



HH-SW HH-SE	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP		1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 <small>Bill Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02</small> <i>William Howard</i> Chairman, County Council	SCALE 1" = 200' DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION HEREFORD	SHEET NW 27-C
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THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

94-84-A

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

08/26/98

Case Number: 03-C-94-011048 AA
Date Filed: 12/02/94
Status: Open/Active
Previous Case ID: 94cv11048
Judge Assigned: To Be Assigned,

Vs

CASE HISTORY

OTHER REFERENCE NUMBERS

Description Number
Previous Case ID 94cv11048

INVOLVED PARTIES

Type Num	Name (Last, First, Mid, Title)	Entered
PET 001	Waggoner, Jeffrey A Attorney: 0009412 Frank, Gordon D Gordon D. Frank, P.A. Court Towers/Ste. 700 210 W. Pennsylvania Ave. Towson, MD 21204-5340 (410)823-7966	12/02/94
PET 002	Waggoner, Terry Attorney: 0009412 Frank, Gordon D Gordon D. Frank, P.A. Court Towers/Ste. 700 210 W. Pennsylvania Ave. Towson, MD 21204-5340 (410)823-7966	12/02/94
ITP 001	Frascchetti, Salvatore A, Jr Attorney: 0017669 Sacks, Stephen H Stephen H Sacks Attorney At Law 16 S Calvert Street	12/02/94

03-C-94-011048 Date: 08/26/98 Time: 12:16 Page: 2

Third Floor
Baltimore, MD 21202
(410)962-5552

Type Num	Name (Last, First, Mid, Title)	Entered
ITP 002	Frascchetti, Deborah A Attorney: 0017669 Sacks, Stephen H Stephen H Sacks Attorney At Law 16 S Calvert Street Third Floor Baltimore, MD 21202 (410)962-5552	09/11/95
INT 001	County Board Of Appeals 400 Washington Ave Rm 49 Towson, MD 21204	09/18/95

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN
TBA To Be Assigned. J 06/08/95

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Closed	User ID
001000	petition for judicial review	06/08/95	06/08/95	TBA	000	06/08/95	KFM KFM
002000	See Docket Sheet for Previous Entries	06/08/95		TBA	000		KFM KFM
003000	Opinion of the Court PH# 8 Petitioners directed to dismantle pier constructed within specified time	07/06/95	07/06/95	CMK	000		PH PH
004000	Motion to Strike Judgment #9 filed by respondents, Frascchetti, and request to schedule case with request for hearing	09/11/95	09/11/95	TBA	000		PH PH
004001	Answer Response to Motion to strike Judgment and schedule case for trial, fd.	10/05/95	10/05/95	TBA	000	01/16/96	KM AS
005000	Open Court Proceeding Oct. 10, 1995. Respondent's (Frascchetti) Motion to Strike	10/11/95		TBA	000		KFM KFM

03-C-94-011048 Date: 08/26/98 Time: 12:16 Page: 3

Judgment (PH#) Denied (CMK)

Num/Seq	Description	Filed	Received	Party	Routed	Closed	User ID
006000	Hearing Notice ENTERED IN ERROR	10/12/95	10/12/95	TBA	PET001	10/12/95	10/12/95 KFM S.W.
007000	Hearing Notice ENTERED IN ERROR	10/12/95	10/12/95	TBA	PET002	10/12/95	10/12/95 KFM S.W.
008000	Writ of Habeas Corpus ENTERED IN ERROR	10/12/95	10/12/95	TBA	PET001	10/12/95	10/12/95 WH S.W.
009000	Writ of Habeas Corpus ENTERED IN ERROR	10/12/95	10/12/95	TBA	PET002	10/12/95	10/12/95 WH S.W.

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

A ruling by the court was made in the attached case. Enclosed
is a copy of docket entries reflecting that ruling.

Very truly,

Suzanne Mensh
Suzanne Mensh
Clerk of the Circuit Court

TO: COUNTY BOARD OF APPEALS
400 Washington Ave
Rm 49
Towson, MD 21204

CC: Jeffrey A Waggoner
CC: Terry Waggoner
CC: Salvatore A Frascchetti Jr
CC: Deborah A Frascchetti
CC: Gordon Frank
CC: Stephen Sacks

03-C-94-011048

*Check first
for who in our
Frascchetti file
10/8*

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
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10/12/95

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ITP 001	Frascchetti, Salvatore A, Jr Attorney: 0017669 Sacks, Stephen 3rd Floor 16 S Calvert St. Baltimore, MD 21202 (301)962-5552	12/02/94
ITP 002	Frascchetti, Deborah A Attorney: 0017669 Sacks, Stephen 3rd Floor 16 S Calvert St.	09/11/95

03-C-94-011048 Date: 10/12/95 Time: 08:27 Page: 2

Baltimore, MD 21202
(301)962-5552

Type Num	Name (Last, First, Mid, Title) / Dispo	Entered
INT 001	County Board Of Appeals 400 Washington Ave Rm 49 Towson, MD 21204	09/18/95

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN
TBA To Be Assigned. J 06/08/95

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006000	Hearing Notice	10/12/95		TBA	PET001	10/12/95	M 10/12/95 KFM
007000	Hearing Notice	10/12/95		TBA	PET002	10/12/95	M 10/12/95 KFM
008000	Writ of Habeas Corpus	10/12/95		TBA	PET001	10/12/95	M 10/12/95 WH
009000	Writ of Habeas Corpus	10/12/95		TBA	PET002	10/12/95	M 10/12/95 WH

03-C-94-011048 Date: 10/12/95 Time: 08:27 Page: 3

LAW OFFICE
GORDON D. FRONK P.A.
SUITE 700 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
410-823-7966

October 5, 1995

HAND DELIVERY

Clerk
Circuit Court for Baltimore County
County Courts Building
Towson MD 21204

Re: Petition of Jeffrey A. Waggoner
and Terry Waggoner
For Judicial Review of the Decision
of the County Board of Baltimore County
In the case of: In the Matter of
Salvatore A. Frascchetti, Jr.
Civil Action No.: 94CV11048/97/332

Dear Clerk:

Enclosed please find the Response to Motion to Strike Judgment and Schedule case for Trial in reference to the above-captioned case.

Very truly yours,

Gordon D. Fronk
Gordon D. Fronk

jle

Enclosure

cc Stephen H. Sacks, Esquire
Charlotte E. Retcliffe

03-C-94-011048